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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

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7 HERBERT E. KNUDSON,)

8 Plaintiff,)

9 vs.)

10 AMALGAMATED)
11 TRANSPORTATION UNION LOCAL)
12 1637; RICK VALERO,)

13 Defendants.)
_____)

2:10-CV-00130-PMP-RJJ

ORDER

14 Before the Court for consideration is Defendant's Motion to Dismiss (Doc.
15 #21), filed on October 20, 2010, and Plaintiff's Motion for Writ of Execution (Doc.
16 #24) filed November 3, 2010. The Court finds that Defendant's fully briefed Motion
17 to Dismiss (Doc. #21) should be granted for the reasons set forth therein, and that
18 Plaintiff's Motion for Writ of Execution (Doc. #24) should be denied.

19 Specifically, the Court finds Plaintiff's Complaint must be dismissed
20 because it was not commenced within 90 days of obtaining the right-to-sue notice
21 from the Equal Employment Opportunity Commission and is thus time-barred.
22 Additionally, Plaintiff's Complaint fails to establish that ATU Local 1637 is a proper
23 Defendant or that Defendant ATU Local 1637 violated rights secured to Plaintiff
24 under the Constitution of the United States.

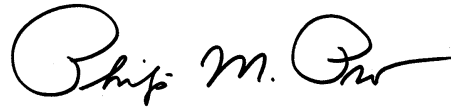
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1 **IT IS THEREFORE ORDERED** that Defendant's Motion to Dismiss
2 (Doc. #21) is **GRANTED**.

3 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Writ of
4 Execution (Doc. #24) is **DENIED**.

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6 DATED: November 16, 2010.

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9 PHILIP M. PRO
United States District Judge
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